



# PROPOSED RULE MAKING

**CR-102 (June 2024)**  
**(Implements RCW 34.05.320)**  
Do NOT use for expedited rule making

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STATE OF WASHINGTON  
FILED

DATE: September 27, 2024

TIME: 12:21 PM

WSR 24-20-079

Agency: Bellevue College

- Original Notice
- Supplemental Notice to WSR \_\_\_\_\_
- Continuance of WSR

- Preproposal Statement of Inquiry was filed as WSR 21-04-028 ; or
- Expedited Rule Making--Proposed notice was filed as WSR 24-13-046; or
- Proposal is exempt under RCW 34.05.310(4) or 34.05.330(1); or
- Proposal is exempt under RCW \_\_\_\_\_.

Title of rule and other identifying information: (describe subject) Policy 6120, Use of College Facilities for Expressive Activity

Hearing location(s):

Date:	Time:	Location: (be specific)	Comment:
November 7, 2024	9:00am-10:00am	Zoom	<a href="https://bellevuecollege.zoom.us/j/81112531610">https://bellevuecollege.zoom.us/j/81112531610</a> Meeting ID: 811 1253 1610

Date of intended adoption: 1/7/2025 (Note: This is NOT the effective date)

<b>Submit written comments to:</b> Name Loreen McRea Keller Address 3000 Landerholm Circle SE, A-201 Bellevue WA 98007 Email loreen.keller@bellevuecollege.edu Fax Other Beginning (date and time) <u>9/18/24</u> By (date and time) <u>11/4/24</u>	<b>Assistance for persons with disabilities:</b> Contact Disability Resource Center Phone Fax TTY 425-564-6189 Email Other By (date) <u>11/4/24</u>
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**Purpose of the proposal and its anticipated effects, including any changes in existing rules:** Bellevue College last updated its Expressive Activity policy in 2005. Since then, colleges and universities around the country have faced increasing need to clarify the distinction between free speech and civil disobedience, as it relates to the safe operations of a campus.

**Reasons supporting proposal:** The purpose of a college is to foster the free exchange of ideas. This policy balances the need to provide ample opportunity for free expression on campus with the need to preserve the efficient and effective functioning of Bellevue College. In the language of First Amendment jurisprudence, that means the establishment of time, place, and manner regulations. The critical feature of such regulations is that they be content- and viewpoint-neutral. They do not distinguish between expressive activities on the basis of the messages being purveyed. Rather, they circumscribe how expressive activities can be conducted so that they do not unnecessarily interfere with the activities of other members of the campus community.

**Statutory authority for adoption:** Chapter 34.05 RCW and RCW 28B.50.140(13)

**Statute being implemented:** RCW 28B.50.140(13)

**Is rule necessary because of a:**

Federal Law?  Yes  No

Federal Court Decision?  Yes  No

State Court Decision?  Yes  No

If yes, CITATION:

**Agency comments or recommendations, if any, as to statutory language, implementation, enforcement, and fiscal matters:**

**Name of proponent:** (person or organization) Bellevue College  
**Type of proponent:**  Private.  Public.  Governmental.

**Name of agency personnel responsible for:**

	Name	Office Location	Phone
Drafting	Loreen McRea Keller	3000 Landerholm Cir SE A-201 Bell WA 98007	425-564-6155
Implementation	Loreen McRea Keller	3000 Landerholm Cir SE A-201 Bell WA 98007	425-564-6155
Enforcement	VP AS	3000 Landerholm Cir SE B-126B Bell WA 98007	425-564-6155

**Is a school district fiscal impact statement required under [RCW 28A.305.135](#)?**  Yes  No

If yes, insert statement here:

The public may obtain a copy of the school district fiscal impact statement by contacting:

Name  
Address  
Phone  
Fax  
TTY  
Email  
Other

**Is a cost-benefit analysis required under [RCW 34.05.328](#)?**

Yes: A preliminary cost-benefit analysis may be obtained by contacting:  
Name  
Address  
Phone  
Fax  
TTY  
Email  
Other

No: Please explain: A cost-benefit analysis is not required under RCW 34.05.328. Bellevue College is not one of the enumerated agencies required to conduct cost-benefit analyses under RCW 34.05.328(5)..

**Regulatory Fairness Act and Small Business Economic Impact Statement**  
Note: The [Governor's Office for Regulatory Innovation and Assistance \(ORIA\)](#) provides support in completing this part.

**(1) Identification of exemptions:**  
This rule proposal, or portions of the proposal, **may be exempt** from requirements of the Regulatory Fairness Act (see [chapter 19.85 RCW](#)). For additional information on exemptions, consult the [exemption guide published by ORIA](#). Please check the box for any applicable exemption(s):

This rule proposal, or portions of the proposal, is exempt under [RCW 19.85.061](#) because this rule making is being adopted solely to conform and/or comply with federal statute or regulations. Please cite the specific federal statute or regulation this rule is being adopted to conform or comply with, and describe the consequences to the state if the rule is not adopted.  
Citation and description:

This rule proposal, or portions of the proposal, is exempt because the agency has completed the pilot rule process defined by [RCW 34.05.313](#) before filing the notice of this proposed rule.

This rule proposal, or portions of the proposal, is exempt under the provisions of [RCW 15.65.570\(2\)](#) because it was adopted by a referendum.

This rule proposal, or portions of the proposal, is exempt under [RCW 19.85.025\(3\)](#). Check all that apply:

- |  |  |
|--|--|
| <input checked="" type="checkbox"/> <a href="#">RCW 34.05.310</a> (4)(b)<br>(Internal government operations) | <input type="checkbox"/> <a href="#">RCW 34.05.310</a> (4)(e)<br>(Dictated by statute)   |
| <input type="checkbox"/> <a href="#">RCW 34.05.310</a> (4)(c)<br>(Incorporation by reference)                | <input type="checkbox"/> <a href="#">RCW 34.05.310</a> (4)(f)<br>(Set or adjust fees)  |
| <input type="checkbox"/> <a href="#">RCW 34.05.310</a> (4)(d)<br>(Correct or clarify language)               | <input type="checkbox"/> <a href="#">RCW 34.05.310</a> (4)(g)<br>((i) Relating to agency hearings; or (ii) process requirements for applying to an agency for a license or permit) |

This rule proposal, or portions of the proposal, is exempt under [RCW 19.85.025\(4\)](#). (Does not affect small businesses).

This rule proposal, or portions of the proposal, is exempt under RCW \_\_\_\_\_.

Explanation of how the above exemption(s) applies to the proposed rule:

**(2) Scope of exemptions:** *Check one.*

- The rule proposal: Is fully exempt. (*Skip section 3.*) Exemptions identified above apply to all portions of the rule proposal.
- The rule proposal: Is partially exempt. (*Complete section 3.*) The exemptions identified above apply to portions of the rule proposal, but less than the entire rule proposal. Provide details here (consider using [this template from ORIA](#)):
- The rule proposal: Is not exempt. (*Complete section 3.*) No exemptions were identified above.

**(3) Small business economic impact statement:** *Complete this section if any portion is not exempt.*

If any portion of the proposed rule is **not exempt**, does it impose more-than-minor costs (as defined by RCW 19.85.020(2)) on businesses?

- No Briefly summarize the agency's minor cost analysis and how the agency determined the proposed rule did not impose more-than-minor costs. \_\_\_\_\_
- Yes Calculations show the rule proposal likely imposes more-than-minor cost to businesses and a small business economic impact statement is required. Insert the required small business economic impact statement here:

The public may obtain a copy of the small business economic impact statement or the detailed cost calculations by contacting:

Name  
Address  
Phone  
Fax  
TTY  
Email  
Other

**Date:** September 27, 2024

**Name:** Loreen McRea Keller

**Title:** Associate Director, Policies & Special Projects

**Signature:**

